

fits, including any regional pay differential, paid to such employee, by reason of such employment, as of such date.

(2) EMPLOYEES SERVING IN ACTING OR TEMPORARY CAPACITY.—Notwithstanding paragraph (1), in the case of any employee described in such paragraph who, as of the date of the enactment of the Resolution Trust Corporation Completion Act, is serving in an acting capacity or is otherwise temporarily employed at a higher grade than such employee's regular grade or position of employment—

(A) the annual rate of basic pay and benefits, including any regional pay differential, payable to such employee in such capacity or at such higher grade shall not be reduced by reason of the applicability of paragraph (7) or (8) of section 6(a) of the Inspector General Act of 1978 so long as such employee continues to serve in such capacity or at such higher grade; and

(B) after such employee ceases to serve in such capacity or at such higher grade, paragraph (1) shall be applied with respect to such employee by taking into account only the annual rate basic pay and benefits, including any regional pay differential, payable to such employee in such employee's regular grade or position of employment.

(C) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) Section 8E(a)(2) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by striking "the Federal Deposit Insurance Corporation,".

(2) Section 5315 of title 5, United States Code, is amended by adding at the end the following new item:

"Inspector General, Federal Deposit Insurance Corporation."

#### SEC. 24. DEPUTY CHIEF EXECUTIVE OFFICER.

Section 21A(b)(8) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(b)(8)) is amended by adding at the end the following new subparagraphs:

"(E) DEPUTY CHIEF EXECUTIVE OFFICER.—

"(i) IN GENERAL.—There is hereby established the position of deputy chief executive officer of the Corporation.

"(ii) APPOINTMENT.—The deputy chief executive officer of the Corporation shall—

"(I) be appointed by the Chairperson of the Thrift Depositor Protection Oversight Board, with the recommendation of the chief executive officer; and

"(II) be an employee of the Federal Deposit Insurance Corporation in accordance with subparagraph (B)(i) of this paragraph.

"(iii) DUTIES.—The deputy chief executive officer shall perform such duties as the chief executive officer may require.

"(F) ACTING CHIEF EXECUTIVE OFFICER.—In the event of a vacancy in the position of chief executive officer or during the absence or disability of the chief executive officer, the deputy chief executive officer shall perform the duties of the position as the acting chief executive officer."

#### SEC. 25. DUE PROCESS PROTECTIONS RELATING TO ATTACHMENT OF ASSETS.

Section 8 of the Federal Deposit Insurance Act (12 U.S.C. 1818) is amended—

(1) by striking subsection (i)(4)(B) and inserting the following new subparagraph:

"(B) STANDARD.—

"(i) SHOWING.—Rule 65 of the Federal Rules of Civil Procedure shall apply with respect to any proceeding under subparagraph (A) without regard to the requirement of such rule that the applicant show that the injury, loss, or damage is irreparable and immediate.

"(ii) STATE PROCEEDING.—If, in the case of any proceeding in a State court, the court determines that rules of civil procedure available under the laws of such State provide substantially similar protections to such party's right to due process as Rule 65

(as modified with respect to such proceeding by clause (i)), the relief sought under subparagraph (A) may be requested under the laws of such State.";

(2) in subsection (b), by adding the following new paragraph:

"(9) STANDARD FOR CERTAIN ORDERS.—No authority under this subsection or subsection (c) to prohibit any institution-affiliated party from withdrawing, transferring, removing, dissipating, or disposing of any funds, assets, or other property may be exercised unless the agency meets the standards of Rule 65 of the Federal Rules of Civil Procedure without regard to the requirement of such rule that the applicant show that the injury, loss, or damage is irreparable and immediate."

#### SEC. 26. GAO STUDIES REGARDING FEDERAL REAL PROPERTY DISPOSITION.

(a) RTC AFFORDABLE HOUSING PROGRAM.—The Comptroller General of the United States shall conduct a study of the program carried out by the Resolution Trust Corporation pursuant to section 21A(c) of the Federal Home Loan Bank Act to determine the effectiveness of such program in providing affordable homeownership and rental housing for very low-, low-, and moderate-income families. The study shall examine the procedures used under the program to sell eligible single family properties, eligible condominium properties, and eligible multifamily housing properties, the characteristics and numbers of purchasers of such properties, and the amount of and reasons for any losses incurred by the Resolution Trust Corporation in selling properties under the program. Not later than the expiration of the 6-month period beginning on the date of the enactment of this Act, the Comptroller General shall submit a report to the Congress on the results of the study under this subsection, which shall describe any findings under the study and contain any recommendations of the Comptroller General for improving the effectiveness of such program.

(b) SINGLE AGENCY FOR REAL PROPERTY DISPOSITION.—The Comptroller General of the United States shall conduct a study to determine the feasibility and effectiveness of establishing a single Federal agency responsible for selling and otherwise disposing of real property owned or held by the Department of Housing and Urban Development, the Farmers Home Administration of the Department of Agriculture, the Federal Deposit Insurance Corporation, and the Resolution Trust Corporation. The study shall examine the real property disposition procedures of such agencies and corporations, analyze the feasibility of consolidating such procedures through such single agency, and determine the characteristics and authority necessary for any such single agency to efficiently carry out such disposition activities. Not later than the expiration of the 12-month period beginning on the date of the enactment of this Act, the Comptroller General shall submit a report to the Congress on the study under this subsection, which shall describe any findings under the study and contain any recommendations of the Comptroller General for the establishment of such single agency.

#### SEC. 27. EXTENSION OF RTC POWER TO BE APPOINTED AS CONSERVATOR OR RECEIVER.

Section 21A(b)(3)(A)(ii) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(b)(3)(A)(ii)) is amended by striking "October 1, 1993" and inserting "April 1, 1995".

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

Mr. McCOLLUM moved to recommit the bill to the Committee on Banking,

Finance and Urban Affairs with instructions to report back the same forthwith with the following amendments:

Strike section 2.

Strike so much of section 3(a) as would include paragraph (15)–(17) in the new subsection (w) of section 21A of the FHLBA.

Strike section 4(a).

In section 5, add the following new subparagraph at the end of section 21 of the FHLBA:

"(z) REGIONAL PAY DIFFERENTIAL.—Notwithstanding any other provision of this Act, any locality based comparability payment or any other form of regional pay differential extended to any employee of the Thrift Depositor Protection Oversight Board or any employee assigned to the Corporation under subsection (b)(8) shall be made in conformity with standards for executive agencies under title 5 of the United States Code."

After debate,

By unanimous consent, the previous question was ordered on the motion to recommit with instructions.

The question being put, viva voce,

Will the House recommit said bill with instructions?

The SPEAKER pro tempore, Mr. TORRES, announced that the nays had it.

Mr. McCOLLUM demanded a recorded vote on agreeing to the motion to recommit with instructions, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the	Yeas .....	180
negative .....	Nays .....	242
	Answered present	1

101.9

[Roll No. 433]

AYES—180

Allard	Diaz-Balart	Hutto
Andrews (TX)	Dickey	Inglis
Applegate	Doolittle	Inhofe
Archer	Dornan	Istook
Armey	Dreier	Johnson, Sam
Bachus (AL)	Duncan	Kaptur
Baesler	Dunn	Kasich
Baker (CA)	Emerson	Kim
Ballenger	Everett	Kingston
Barrett (NE)	Ewing	Klug
Bartlett	Fawell	Knollenberg
Barton	Fields (TX)	Kyl
Bateman	Fish	Lambert
Bentley	Fowler	Lancaster
Bereuter	Franks (CT)	Levy
Bilirakis	Franks (NJ)	Lewis (CA)
Bliley	Galleghy	Lewis (FL)
Blute	Gallo	Lightfoot
Boehner	Gekas	Linder
Bonilla	Gilchrest	Livingston
Bunning	Gillmor	Manzullo
Burton	Gilman	McCandless
Buyer	Gingrich	McCollum
Callahan	Goodlatte	McCrery
Calvert	Goodling	McDade
Camp	Goss	McHugh
Canady	Grams	McInnis
Carr	Grandy	McKeon
Castle	Greenwood	McMillan
Chapman	Gunderson	Meyers
Clement	Hancock	Mica
Clinger	Hansen	Michel
Coble	Hastert	Miller (FL)
Collins (GA)	Hefley	Mineta
Combest	Herger	Molinar
Condit	Hilliard	Moorhead
Costello	Hobson	Myers
Crane	Hoekstra	Nussle
Crapo	Hoke	Oxley
Cunningham	Horn	Packard
Deal	Hunter	Paxon
DeLay	Hutchinson	Penny

Whitten  
Williams  
Wilson  
Wise  
Woolsey  
Wyden  
Wynn  
Yates  
Young (AK)

## NOT VOTING—10

It was decided in the affirmative .....	}	Yeas .....	214
		Nays .....	208
		Answered present	1

Yeas .....	214
Nays .....	208
Answered present	1

AYES—214

Meek  
Mfume  
Michel  
Mineta  
Minge  
Mink  
Moakley  
Mollohan  
Montgomery  
Moran  
Morella  
Murphy  
Murtha  
Natcher  
Neal (MA)  
Neal (NC)  
Oberstar  
Obey  
Oliver  
Ortiz  
Orton  
Parker  
Pastor  
Payne (NJ)  
Payne (VA)  
Pelosi  
Peterson (FL)  
Petri  
Pickett  
Pickle  
Porter  
Price (NC)  
Rangel  
Reed  
Reynolds  
Richardson  
Roemer  
Rose  
Rostenkowski  
Roukema  
Rowland  
Roybal-Allard  
Rush  
Sabo  
Sangmeister  
Sarpaluis  
Sawyer  
Schenk  
Schumer  
Scott  
Serrano  
Shays  
Shepherd  
Sisisky  
Skaggs  
Skelton  
Slattery  
Smith (IA)  
Spratt  
Stark  
Stenholm  
Stokes

NOES—208

Oxley  
Packard  
Pallone  
Paxon  
Penry  
Peterson (MN)  
Pombo  
Pomeroy  
Portman  
Poshard  
Pryce (OH)  
Quillen  
Quinn  
Rahall  
Ramstad  
Ravenel  
Regula  
Ridge  
Roberts  
Rogers  
Rohrabacher  
Ros-Lehtinen  
Roth  
Royce  
Sanders  
Santorum  
Saxton  
Schaefer  
Schiff  
Schroeder  
Sensenbrenner  
Sharp  
Shaw  
Shuster  
Skeen  
Slaughter  
Smith (MI)  
Smith (NJ)  
Smith (OR)  
Smith (TX)  
Snowe  
Solomon  
Spence  
Stearns  
Stump  
Sundquist  
Synar  
Talent  
Tanner  
Tauzin  
Taylor (MS)  
Taylor (NC)  
Thomas (CA)  
Thomas (WY)  
Thompson  
Torkildsen  
Torricelli  
Traficant  
Upton  
Vuclosky  
Vujanovich  
Walker  
Walsh  
Weldon  
Wolf  
Young (FL)  
Zeliff  
Zimmer

ANSWERED "PRESENT"—1

Hyde

NOT VOTING—10

Borski  
Brown (CA)  
Conyers  
Gordon

Huffington  
Hunter  
Lehman  
Lipinski

Miller (CA)  
Towns

So the bill was passed.

By unanimous consent, the title of the bill was amended so as to read: "An Act to provide for the remaining funds needed to assure that the United States fulfills its obligation for the protection of depositors at savings and